

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

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**UNITED STATES of AMERICA**

**v.**

**HERIBERTO RODRIGUEZ,**

**Defendant.**

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**Criminal No.  
05-40006-FDS**

**ORDER OF EXCLUDABLE TIME**

**SAYLOR, J.**

At the status conference held January 5, 2007, defense counsel indicated that she has filed motions in state court seeking to vacate certain prior convictions that may affect defendant's classification as an Armed Career Criminal. She is awaiting rulings on these motions, the outcome of which will affect defendant's willingness to enter into a plea agreement. Counsel requested the postponement of further action on this matter until the state court motions are resolved. A status conference is presently set for February 9, 2007.

With the assent of the parties, and because the ends of justice served by granting this request outweigh the interest of the public and the defendant in a speedy trial, the period of time from January 5, 2007, through February 9, 2007, shall be excludable under the Speedy Trial Act pursuant to 18 U.S.C. § 3161(h)(8)(A).

**So Ordered.**

/s/ F. Dennis Saylor  
F. Dennis Saylor IV  
United States District Judge

Dated: January 5, 2007